

House File 2198 - Introduced

HOUSE FILE 2198

BY WINDSCHITL

A BILL FOR

1 An Act concerning the authorized possession of certain
2 offensive weapons and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.1, subsections 1, 2, and 8, Code
2 2011, are amended to read as follows:

3 1. A machine gun. A machine gun is a firearm which shoots
4 or is designed to shoot more than one shot automatically,
5 without manual reloading, by a single function of the trigger.

6 2. A short-barreled rifle or short-barreled shotgun. A
7 short-barreled rifle or short-barreled shotgun is a rifle with
8 a barrel or barrels less than sixteen inches in length or a
9 shotgun with a barrel or barrels less than eighteen inches
10 in length, as measured from the face of the closed bolt or
11 standing breech to the muzzle, or any weapon made from a rifle
12 or shotgun ~~with~~ if such weapon as modified has an overall
13 length of less than twenty-six inches.

14 8. Any mechanical device specifically constructed and
15 designed so that when attached to a firearm it silences,
16 muffles, or suppresses the sound when fired. ~~However, this~~
17 ~~subsection does not apply to a mechanical device possessed and~~
18 ~~used by a person solely for the purpose of shooting a deer~~
19 ~~pursuant to an approved city special deer population control~~
20 ~~plan if the person has a valid federal permit to possess and~~
21 ~~use the mechanical device.~~

22 Sec. 2. Section 724.2, Code 2011, is amended by striking the
23 section and inserting in lieu thereof the following:

24 **724.2 Authority to possess offensive weapons.**

25 All of the following are authorized to possess offensive
26 weapons:

27 1. The following persons or entities when the duties or
28 lawful activities of the person or entity require or permit
29 such possession:

30 a. Any peace officer.

31 b. Any member of the armed forces of the United States or
32 of the national guard.

33 c. Any person in the service of the United States.

34 d. A correctional officer, serving in an institution under
35 the authority of the Iowa department of corrections.

1 e. Any person who, under the laws of this state and the
2 United States, is lawfully engaged in the business of supplying
3 those authorized to possess such devices.

4 f. Any person, firm, or corporation who under the laws of
5 this state and the United States is lawfully engaged in the
6 improvement, invention, or manufacture of firearms.

7 g. Any museum or similar place which possesses, solely as
8 relics, offensive weapons which are rendered permanently unfit
9 for use.

10 2. The following persons who possess an offensive weapon
11 which is a curio or relic firearm under the federal Gun Control
12 Act of 1968, 18 U.S.C. ch. 44 and the federal National Firearms
13 Act of 1934, 26 U.S.C. ch. 53:

14 a. A resident of this state, if the offensive weapon
15 has been permanently rendered unfit for the firing of live
16 ammunition. The offensive weapon may, however, be adapted for
17 the firing of blank ammunition.

18 b. A nonresident, if the offensive weapon is legally
19 possessed by the person in the person's state of residence
20 and the offensive weapon is at all times while in this state
21 rendered incapable of firing live ammunition. A nonresident
22 who possesses an offensive weapon under this subsection while
23 in this state shall not have in the person's possession live
24 ammunition. The offensive weapon may, however, be adapted for
25 the firing of blank ammunition.

26 3. A person who possesses a device described in section
27 724.1, subsection 8, or a machine gun, short-barreled rifle, or
28 short-barreled shotgun, as those terms are defined in section
29 724.1, in compliance with the federal Gun Control Act of 1968,
30 18 U.S.C. ch. 44 and the federal National Firearms Act of 1934,
31 26 U.S.C. ch. 53.

32 Sec. 3. Section 724.3, Code 2011, is amended to read as
33 follows:

34 **724.3 Unauthorized possession of offensive weapons.**

35 Any person or entity, other than a person or entity

1 authorized ~~herein~~ in section 724.2, who knowingly possesses an
2 offensive weapon commits a class "D" felony.

3

EXPLANATION

4 This bill relates to the authorized possession of offensive
5 weapons.

6 The bill modifies the definition of a machine gun, a
7 short-barreled rifle, a short-barreled shotgun, and a
8 mechanical device that silences, muffles, or suppresses the
9 sound of a firearm when fired, defined as offensive weapons
10 under Code section 724.1. Under Code section 724.3 a person
11 who is not authorized under Code section 724.2 to possess an
12 offensive weapon is guilty of a class "D" felony.

13 The bill amends provisions in Code section 724.2 authorizing
14 the possession of certain offensive weapons in certain
15 circumstances, including an offensive weapon that is a curio
16 or relic firearm, a machine gun, a short-barreled rifle, a
17 short-barreled shotgun, and a mechanical device that silences,
18 muffles, or suppresses the sound of a firearm when fired, as
19 amended in the bill, in compliance with the provisions of
20 the federal Gun Control Act of 1968 and the federal National
21 Firearms Act of 1934.